

Exhibit A

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NASSAU

FELIX MENA

Plaintiff,

- against -

ROBBIN POTRAFKA and
SALEM LEASING CORPORATION

Defendants.

Plaintiff designates
NASSAU County as
the Place of Venue

Basis of Venue:
Place of Occurrence

SUMMONS

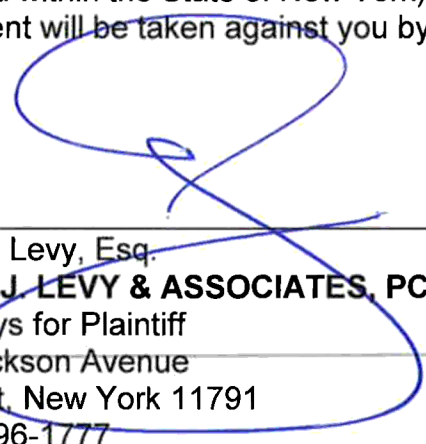
Place of Occurrence:

County of NASSAU

To The Above Named Defendants:

YOU ARE HEREBY SUMMONED to answer the Complaint in this action and to serve a copy of your answer, or, if the Complaint is not served with this Summons, to serve a Notice of Appearance, on the Plaintiff's attorneys within 20 days after the service of this Summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in the case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the Complaint.

Dated: Syosset, New York
September 21, 2021



Brian J. Levy, Esq.
BRIAN J. LEVY & ASSOCIATES, PC
Attorneys for Plaintiff
303 Jackson Avenue
Syosset, New York 11791
(516) 496-1777

Defendants' Address:

ROBBIN POTRAFKA
246 Jay Jay Road
West Union, South Carolina 29696
Secty of State (VTL)

SALEM LEASING CORPORATION
175 Charlois Boulevard
Winston Salem, North Carolina 27103
Secty of State (VTL)

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NASSAU

-----X
FELIX MENA

Plaintiff,

VERIFIED COMPLAINT

- against -

ROBBIN POTRAFKA and
SALEM LEASING CORPORATION

Defendants.
-----X

Plaintiff, complaining of the Defendants, by attorneys **BRIAN J. LEVY & ASSOCIATES, PC**, respectfully shows to this Court and alleges, upon information and belief, as follows:

1. That at all times hereinafter mentioned, Plaintiff operated a certain motor vehicle bearing license plate number HZZ9314, New York.

2. That at all times hereinafter mentioned, Defendant SALEM LEASING CORPORATION is a duly organized Foreign Business Corporation, and authorized to conduct business in the State of New York.

3. That at all times hereinafter mentioned, Defendant SALEM LEASING CORPORATION regularly transacts business within the State of New York and/or derives substantial revenue from its course of dealing within the State of New York.

4. That at all times hereinafter mentioned, Defendant SALEM LEASING CORPORATION owned a certain motor vehicle bearing license plate number P771790, South Carolina.

5. That at all times hereinafter mentioned, Defendant ROBBIN POTRAFKA operated the aforesaid motor vehicle bearing license plate number P771790, South

Carolina.

6. That at all times hereinafter mentioned, Defendant ROBBIN POTRAFKA operated the aforesaid motor vehicle while in the scope of his employment.

7. That at all times hereinafter mentioned, Defendant ROBBIN POTRAFKA operated the aforesaid motor vehicle while in the scope of his employment with Defendant SALEM LEASING CORPORATION.

8. That at all times hereinafter mentioned, Defendant ROBBIN POTRAFKA operated the aforesaid motor vehicle, with the knowledge, permission and/or consent of the Defendant SALEM LEASING CORPORATION.

9. That at all times hereinafter mentioned, Defendant SALEM LEASING CORPORATION managed the aforesaid motor vehicle.

10. That at all times hereinafter mentioned, Defendant ROBBIN POTRAFKA managed the aforesaid motor vehicle.

11. That at all times hereinafter mentioned, Defendant SALEM LEASING CORPORATION maintained the aforesaid motor vehicle.

12. That at all times hereinafter mentioned, Defendant ROBBIN POTRAFKA maintained the aforesaid motor vehicle.

13. That at all times hereinafter mentioned, Defendant SALEM LEASING CORPORATION controlled the aforesaid motor vehicle.

14. That at all times hereinafter mentioned, Defendant ROBBIN POTRAFKA controlled the aforesaid motor vehicle.

15. That at all times hereinafter mentioned, the Whole Foods parking lot, located on N Broadway, at a point approximately 500' north of Village Drive, is a public thoroughfare in the Town of Oyster Bay, County of Nassau and State of New York.

16. That on or about the 30th day of July, 2021, at approximately 10:25 A.M., the Plaintiff's aforesaid motor vehicle was properly parked in the aforescribed parking lot and plaintiff was seated therein.

17. That on or about the 30th day of July, 2021, at approximately 10:25 A.M., the Defendants' aforesaid motor vehicle was being operated over and along the aforescribed parking lot.

18. That at all times hereinafter mentioned, the Defendants' aforesaid motor vehicle was in collision with the Plaintiff's parked motor vehicle.

19. That at all times hereinafter mentioned, the Defendants' aforesaid motor vehicle was in contact with the Plaintiff's parked motor vehicle.

20. That at all times hereinafter mentioned, the Defendants' aforesaid motor vehicle, a tractor trailer, was in collision with the rear of the Plaintiff's motor vehicle.

21. That the aforesaid occurrence was due solely by reason of the carelessness, recklessness and negligence of the Defendants, in the ownership, operation, management, maintenance and control of Defendants' motor vehicle, in failing to keep said motor vehicle under proper and suitable control, so as to prevent same from running into striking the rear of the Plaintiff's parked motor vehicle; in operating said motor vehicle at a high and/or excessive rate of speed, under the circumstances then and there existing; in speeding; in failing to keep a proper look out; in failing to take cognizance of the traffic conditions which existed; in failing to remain alert; in failing to give warning of approach; in failing to stop, slow down, steer or veer so as to avoid the collision herein; in failing to make prompt and timely use of the braking, steering and signaling mechanisms of said motor vehicle; in failing to obey the rules of the road; in failing to exercise due and required care, caution and forbearance in the operation and control of said motor vehicle, so as to

have avoided this occurrence; in operating said motor vehicle in an incompetent and unskilled manner; in failing to maintain said motor vehicle and appurtenances thereto in proper and adequate condition and repair; in failing to obey the applicable statutes, ordinances, rules and regulations in such cases made and provided for; in that Defendant SALEM LEASING CORPORATION was further negligent in knowingly entrusting said motor vehicle to an unskilled, incompetent, dangerous, reckless and careless individual, namely Defendant ROBBIN POTRAFKA; and Defendants were otherwise careless, reckless and negligent.

22. That the aforesaid occurrence was due solely by reason of the negligence of the Defendants and through no fault or lack of care on the part of the Plaintiff contributing thereto.

23. That by reason of the aforesaid occurrence, Plaintiff sustained serious and severe personal injuries to head, body and limbs; a severe shock to the nervous system; suffered great physical pain and mental anguish; was confined to bed and home and caused to abstain from usual duties and activities; was forced to seek medical aid and attention and to expend diverse sums of money for same, in an endeavor to be healed and cured of said injuries, which may be permanent and lasting.

~~24. That this Plaintiff sustained a "serious injury" as defined in §5102(d) of the Insurance Law of the State of New York.~~

25. That by reason of the foregoing, the Plaintiff is entitled to recover for non-economic loss and for such economic losses as are not included within the definition of basic economic loss as set forth in §5102(a) of Insurance Law of the State of New York.

26. That the Plaintiff is a "covered person" as defined by §5102(j) of the Insurance Law of the State of New York.

27. That this action falls within one or more exceptions of CPLR §1602.

28. That by reason of the foregoing, Plaintiff has been damaged in a sum which exceeds the jurisdictional limits of all lower Courts.

WHEREFORE, Plaintiff FELIX MENA demands judgment against the Defendants ROBBIN POTRAFKA and SALEM LEASING CORPORATION, and/or each of them, in a sum which exceeds the jurisdictional limits of all lower Courts, together with the costs and disbursements of each action.

Dated: Syosset, New York
September 21, 2021



Brian J. Levy, Esq.
BRIAN J. LEVY & ASSOCIATES, PC
Attorneys for Plaintiff
303 Jackson Avenue
Syosset, New York 11791
(516) 496-1777

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NASSAU

FELIX MENA

Plaintiff,

- against -

ROBBIN POTRAFKA and SALEM LEASING CORPORATION

Defendants.

SUMMONS AND VERIFIED COMPLAINT

BRIAN J. LEVY & ASSOCIATES, PC

Attorneys for Plaintiff
Office and Post Office Address
303 Jackson Avenue
Syosset, New York 11791
Tel (516) 496-1777
Fax (516) 226-1040

ATTORNEY CERTIFICATION

The undersigned, an Attorney admitted to practice in the Courts of New York State, verified that, upon information, belief and reasonable inquiry, the contents contained in the above-referenced document(s) are not frivolous.

Brian J Levy

Form 10CERT - AFFIDAVIT OF MAILING ONLY



P5438940

BRIAN J. LEVY Kristen Macchio
SUPREME COURT NASSAU COUNTY STATE OF NEW YORK

FELIX MENA

PLAINTIFF

- vs -

ROBBIN POTRAFKA, ETAL

DEFENDANT

index No. 612100/2021

Date Filed

Office No. 4025847

Court Date.

STATE OF NEW YORK, COUNTY OF NEW YORK :SS:

IRENE BERTONI being duly sworn, deposes and says; I am over 18 years of age, not a party to this action, and reside in the State of New York.
That on 19th day of October, 2021 at a regular postal depository maintained by the United States of America, Deponent mailed the copy of

NOTICE OF ELECTRONIC FILING, SUMMONS AND VERIFIED COMPLAINT

to ROBBIN POTRAFKA
the DEFENDANT at
PO BOX 187


WEST UNION, SC 29696

Copy mailed by Certified Mail marked PERSONAL & CONFIDENTIAL not indicating on the outside thereof, by return address or otherwise that said notice is from an attorney or concerns an action against the person to be served.

COMMENTS: RETURN RECEIPT REQUESTED # 70181130000192348978. ATTACHED HERETO, AND MADE A PART HEREOF, IS THE NOTICE REGARDING SERVICE THAT WAS SENT TO THE DEFENDANT AND THE RETURN RECEIPT DATED 11/05/21.

Sworn to before me this
08TH day of NOVEMBER, 2021

SELENA INES ADAMES
Notary Public, State of New York
No. 01AD6365042
Qualified in QUEENS COUNTY
Commission Expires 09/25/2025


IRENE BERTONI
PM Legal, LLC
1235 BROADWAY 2ND FLOOR
NEW YORK, NY 10001
Reference No: 3-BJL&A-5438940

e

Form 45

BRIAN J. LEVY Kristen Macchio
SUPREME COURT NASSAU COUNTY STATE OF NEW YORK
FELIX MENA

PLAINTIFF

ROBBIN POTRAFKA, ETAL

- vs -

DEFENDANT

index No. **612100/2021**
Date Filed
Office No. **4025847**
Court Date.

Please take notice that pursuant to the provisions of Section 253/254
of the Vehicle and Traffic Laws of the State of New York, the

NOTICE OF ELECTRONIC FILING, SUMMONS AND VERIFIED COMPLAINT

in the above entitled action was served upon you personally on:

04TH day of **OCTOBER, 2021**

by delivering a true copy thereof to the regularly established office of the Secretary of
State, of the State of New York, at One Commercial Plaza, in the City of Albany, together with
the statutory fee of \$ 10.00.

And Please Take Further Notice, that we are sending you herewith, by certified mail return
receipt requested another true copy of the


NOTICE OF ELECTRONIC FILING, SUMMONS AND VERIFIED COMPLAINT

in this action.

Yours truly,

BRIAN J. LEVY

3-BJL&A-5438940

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY																	
<ul style="list-style-type: none">■ Complete items 1, 2, and 3.■ Print your name and address on the reverse so that we can return the card to you.■ Attach this card to the back of the mailpiece, or on the front if space permits.		<p>A. Signature <input checked="" type="checkbox"/> <i>Robbin Potrafka</i> <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <i>Rebecca Potrafka</i> Date of Delivery <i>11/15/21</i></p> <p>D. Is delivery address different from item 1? <input checked="" type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No <i>PO Box 181</i> <i>West Union SC 29696</i></p>																	
<p>1. Article Addressed to:</p> <p>ROBBIN POTRAFKA 246 JAY JAY ROAD WEST UNION, SC 29696-3918</p> <p> 9590 9402 5096 9092 8863 32</p>		<p>3. Service Type</p> <table border="0"><tr><td><input type="checkbox"/> Adult Signature</td><td><input type="checkbox"/> Priority Mail Express®</td></tr><tr><td><input type="checkbox"/> Adult Signature Restricted Delivery</td><td><input type="checkbox"/> Registered Mail™</td></tr><tr><td><input checked="" type="checkbox"/> Certified Mail®</td><td><input type="checkbox"/> Registered Mail Restricted Delivery</td></tr><tr><td><input type="checkbox"/> Certified Mail Restricted Delivery</td><td><input type="checkbox"/> Return Receipt for Merchandise</td></tr><tr><td><input type="checkbox"/> Collect on Delivery</td><td><input type="checkbox"/> Signature Confirmation™</td></tr><tr><td><input type="checkbox"/> Collect on Delivery Restricted Delivery</td><td><input type="checkbox"/> Signature Confirmation Restricted Delivery</td></tr><tr><td><input type="checkbox"/> Insured Mail</td><td></td></tr><tr><td><input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)</td><td></td></tr></table>		<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®	<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail™	<input checked="" type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery	<input type="checkbox"/> Certified Mail Restricted Delivery	<input type="checkbox"/> Return Receipt for Merchandise	<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation™	<input type="checkbox"/> Collect on Delivery Restricted Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery	<input type="checkbox"/> Insured Mail		<input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)	
<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®																		
<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail™																		
<input checked="" type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery																		
<input type="checkbox"/> Certified Mail Restricted Delivery	<input type="checkbox"/> Return Receipt for Merchandise																		
<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation™																		
<input type="checkbox"/> Collect on Delivery Restricted Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery																		
<input type="checkbox"/> Insured Mail																			
<input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)																			
<p>2. Article Number (Transfer from service label) <i>701 7730 0001 9234 897</i></p>																			

PS Form 3811, July 2015 PSN 7530-02-000-9053

Domestic Return Receipt

AFFIDAVIT OF SERVICE BY THE SECRETARY OF STATE

Attorney(s) Brian J. Levy
Index # 612100/2021
Purchased/Filed:
STATE OF NEW YORK
Court: Supreme
County: Nassau

FELIX MENA

PLAINTIFF

AGAINST

ROBBIN POTRAFKA, ET AL

DEFENDANT

STATE OF NEW YORK)
COUNTY OF ALBANY) SS
CITY OF ALBANY)

ROBERT GUYETTE

BEING DULY SWORN, DEPOSES AND SAYS:

DEPONENT RESIDES IN THE CITY OF ALBANY, COUNTY OF ALBANY,
STATE OF NEW YORK. THAT ON 10/4/2021, AT 12:55 PM
AT THE OFFICE OF THE NY SECRETARY OF STATE, ONE COMMERCE PLAZA, ALBANY, NY, 12231
DEPONENT SERVED :

SUMMONS AND VERIFIED COMPLAINT WITH NOTICE OF ELECTRONIC FILING

UPON ROBBIN POTRAFKA THE DEFENDANT IN THE ABOVE

CAPTIONED ACTION BY DELIVERING TO AND LEAVING WITH NANCY DOUGHERTY

DESCRIPTION OF PERSON SERVED: APPROX. AGE: 60 yrs WEIGHT: 120 lbs HEIGHT: 5' 1"

SEX: Female SKIN COLOR: White HAIR: Brown OTHER:

A COPY OF SAID


SUMMONS AND VERIFIED COMPLAINT WITH NOTICE OF ELECTRONIC FILING

AND THAT AT THE TIME OF MAKING SUCH SERVICE, DEPONENT PAID THE SECRETARY OF STATE
THE SUM OF \$10.00, THAT BEING THE LAWFUL FEE OF THE SECRETARY OF STATE FOR ACCEPT-
ING SUCH SERVICE: DEPONENT FURTHER SAYS THAT SUCH SERVICE WAS MADE PURSUANT TO
VEHICLE AND TRAFFIC LAW §253 (NON-RESIDENT) OF THE STATE OF NY AND THAT THE

SAID NANCY DOUGHERTY WAS A DESIGNATED CLERK OF THE SECRETARY OF
STATE AND PERSON AUTHORIZED BY LAW TO ACCEPT SERVICE IN SUCH CASES.

SWORN TO BEFORE ME ON THIS

4TH DAY OF OCTOBER 2021


FAITH CONZY
NOTARY PUBLIC, State of New York
No. 01CO6158874, Albany County
Commission Expires Jan 8, 2023


ROBERT GUYETTE

Invoice Work Order # 2132237

Form 10CERT - AFFIDAVIT OF MAILING ONLY



P5438957

BRIAN J. LEVY Kristen Macchio
SUPREME COURT NASSAU COUNTY STATE OF NEW YORK

FELIX MENA

PLAINTIFF

- vs -

ROBBIN POTRAFKA, ETAL

DEFENDANT

index No. 612100/2021
Date Filed
Office No. 4025847
Court Date.

STATE OF NEW YORK, COUNTY OF NEW YORK :SS:

IRENE BERTONI being duly sworn, deposes and says; I am over 18 years of age, not a party to this action, and reside in the State of New York.
That on 19th day of October, 2021 at a regular postal depository maintained by the United States of America, Deponent mailed the copy of

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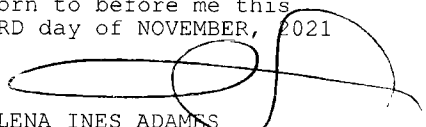
to SALEM LEASING CORPORATION
the DEFENDANT at
175 CHARLOIS BLVD


WINSTON SALEM, NC 27103-1521

Copy mailed by Certified Mail marked PERSONAL & CONFIDENTIAL not indicating on the outside thereof, by return address or otherwise that said notice is from an attorney or concerns an action against the person to be served.

COMMENTS: RETURN RECEIPT REQUESTED # 70181130000192348961. ATTACHED HERETO, AND MADE A PART HEREOF, IS THE NOTICE REGARDING SERVICE THAT WAS SENT TO THE DEFENDANT AND A PRINTOUT FROM THE USPS WEBSITE THAT STATES DELIVERED 10/22/21.

Sworn to before me this
23RD day of NOVEMBER, 2021


SELENA INES ADAMES
Notary Public, State of New York
No. 01AD6365042
Qualified in QUEENS COUNTY
Commission Expires 09/25/2025


IRENE BERTONI
PM Legal, LLC
1235 BROADWAY 2ND FLOOR
NEW YORK, NY 10001
Reference No: 3-BJL&A-5438957

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Form 45

BRIAN J. LEVY Kristen Macchio
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- vs -

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Yours truly,
BRIAN J. LEVY
3-BJL&A-5438957

USPS Tracking®

FAQs >

Track Another Package +

Tracking Number: 70181130000192348961

Remove X

Your item was delivered to the front desk, reception area, or mail room at 11:39 am on October 22, 2021 in WINSTON SALEM, NC 27103.

 **Delivered, Front Desk/Reception/Mail Room**

October 22, 2021 at 11:39 am
WINSTON SALEM, NC 27103

Feedback

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- Tracking History

▾
- Product Information

▾

See Less ^

Can't find what you're looking for?

Go to our FAQs section to find answers to your tracking questions.

AFFIDAVIT OF SERVICE BY THE SECRETARY OF STATE

Attorney(s) Brian J. Levy
Index # 612100/2021
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STATE OF NEW YORK
Court: Supreme
County: Nassau

FELIX MENA

PLAINTIFF

AGAINST

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COUNTY OF ALBANY) SS
CITY OF ALBANY)

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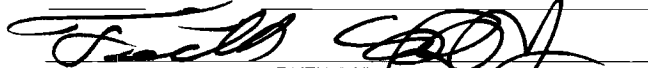
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4TH DAY OF OCTOBER 2021


FAITH COZZI
NOTARY PUBLIC, State of New York
No. 01C06158874, Albany County
Commission Expires Jan 8, 2023


ROBERT GUYETTE

Invoice Work Order # 2132239